

OTHER VIOLENT CRIMES AND THE LINK

The authors concluded that most dog bite-related fatalities were characterized by coincident, preventable, policy-relevant factors; the dog's breed was not one of these. Moreover, the study found that "while it is extremely rare that dogs living as either resident dogs or as family pets ever inflict serious injuries on humans, dogs not afforded the opportunity for regular, positive interaction with people may be more likely, in situations they perceive as stressful or threatening, to behave in ways primarily to protect themselves."

When dogs are abused, neglected or exposed to chronic violence in the home, it could trigger violence on the part of the dog. This is an important factor for all investigators (law enforcement, child and adult protection) to keep in mind.

CHANGING AGENCY PROCEDURES

In addition to changing laws to acknowledge the Link (such as including pets in domestic violence protective orders and increasing penalties when children are exposed to animal fighting), the best way to make successful systemic change is to address policies within agencies. The following are some suggested approaches currently being implemented by social services and criminal justice agencies:

Changing Agency Procedures

- Ask children about pets (during intake, assessment, forensic interview, medical examination) to learn more about family dynamics and who is important in the child's life.
- Ask families seeking shelter whether there are pets (domesticated and livestock) at home whose welfare is also threatened and who need protection.
- Include registered therapy animals with children who have experienced or witnessed abuse to assist them through the court process.
- Offer frequent trainings among criminal justice agencies to cross-train on intra-familial violence.
- Set up systems to cross-report violence to the appropriate agency.
- Create a Link coalition (or add animal protection to your existing coalitions) and meet regularly.
- Create a partnership with animal protection and veterinary professionals.
- Support legislation that encourages cross-reporting (which provides for immunity from civil and criminal liability).
- Educate probation departments and judges (and legislate) for psychological evaluations and treatment with programs specialized for child and adult animal abusers (such as the AniCare model).
- Seek treatment for children who have witnessed and/or perpetrated animal abuse.
- Have family violence shelters create off-site foster care programs for pets and on-site housing of pets through Sheltering Animals & Families Together (SAFT-T) Program (www.animalsandfamilies.org).
- Include pets in safety planning procedures.
- Support legislation to include pets in protection orders.

Child and adult protection agencies, law enforcement, domestic violence shelters, prosecutors, and victim advocacy offices should add questions that ask children and families about animals in the home and whether the animals have been harmed or threatened and need shelter as well.

Ask About Pets: Intake, Assessments and Interviews

There is a growing trend among law enforcement to incorporate animal-related questions into their child abuse and domestic violence risk assessment protocols. Colorado statutes now allow pets to be included in protective orders and recently included animal abuse intended to intimidate a partner as one of the statutory definitions of domestic violence.

Staff and forensic interviewers with children's advocacy centers are learning about asking children about pets and pet safety during the interview and in therapy sessions. Simply asking a few questions during the rapport-building phase will help the child relax and help the interviewer gather important information about the home.

When children and domestic violence survivors are asked about pets during intake, assessments and forensic interviews, it provides information about the family dynamics, may uncover other violence that needs to be addressed, helps with identifying key supports in their life (that may be a pet) and may inform case planning. If you ask, be prepared for a child or adult to disclose a recent incident of animal abuse. It is important for agencies to have protocols in place for reporting the abuse to the appropriate animal protection or law enforcement agency. Failure to report will allow for the violence to continue in the home and will continue to expose all members of the family to violence. Remember to seek immediate therapeutic intervention for a survivor who has witnessed animal abuse.

Asking about pets will also assist with helping to keep families and pets together, particularly if a child is being placed in foster care. Consider creating a database of pet-friendly foster homes that can take in children and their pets, as well as safe transitional housing for families.

Therapy Animals for Maltreated Children

When children have been abused or have witnessed violence, having a therapy animal provides comfort and listening to their story is important for their healing and recovery. It is also beneficial to help the child disclose relevant facts to interviewers, investigators and prosecutors. Children's advocacy centers, prosecutors' offices and courthouses are increasingly incorporating therapy animals into treatment for children. *Therapy Animals Supporting Kids (TASK)* was created in 2009 out of a growing need to provide comfort and safety to children going through the court system, as well as to outline safe protocols for children, staff, and the animal/handler team (Phillips & McQuarrie, 2009). The *TASK Manual* is available for download at www.ndaa.org.¹⁴

Cross-Training

When human and animal protection agencies, collaborating with prosecutors and law enforcement, can come together to co-train regarding the legal requirements and practicalities of their work, this helps all agencies to work together cohesively for early intervention in violent homes. When animal protection receives basic training on what signs to look for involving child abuse or neglect, they are in a more confident position to report what they see. Likewise, when domestic violence and child/adult protection service workers are trained on basic information involving animal abuse and neglect, they are in a position to better help their clients and report what they see. Cross-training, in the end, allows for more efficient and factually stronger reports and cases, thus benefitting law enforcement, prosecutors, and the crime victims. Working in silos and failing to share important information can maintain violence in the home that is not being addressed by the proper agency.

Cross-training should happen regularly as part of an overall coalition (see [Link Coalitions](#)). The training does not have to be lengthy or extensive. Bringing relevant agencies and staff together for a monthly lunch-and-learn or a half day quarterly training will help to educate everyone coming into contact with families how to respond to those who may be experiencing Link-related crimes.

Cross-Reporting

In the past decade, state laws and individual agency protocols have started to recognize that both animal and human protection agencies should make a report when a situation of abuse becomes known. While there has been some resistance to mandated cross-reporting laws or protocols, usually due to the concerns of confidentiality constraints, an existing full caseload and staff being over-burdened, agencies who are cross-reporting are seeing the benefits.

Visit [NDAA's Website](#) for a listing of cross-reporting laws by state and by profession.

In addition to statutes delineating specific professions as mandated reporters, eighteen states mandate that all persons (which would include animal protection and veterinarians) report child abuse. Those states are: Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming. However, some professionals in these states are unaware of this requirement.

“The veterinary profession is focused upon the protection of animals and the prevention and relief of animal suffering. However both scientific evidence and practical experience show that the health for people, animals, and the environment are inextricably connected (a.k.a. ‘One Health’ and ‘One Welfare’). As such, the practice of veterinary medicine is influenced by considerations not only for the needs of the patient, but also the welfare of the client, and the safety of the public. It is the responsibility of the veterinarian to report crimes of animal abuse and neglect to appropriate authorities, whether or not reporting is mandated by law, because prompt disclosure of abuse is necessary to protect the health and welfare of animals and people.” — Emily Patterson-Kane, PhD (Animal Welfare Scientist, American Veterinary Medical Association)

In the first known survey of its kind, a 2010 study (Risley-Curtiss, Zilney & Hornung, 2010) looked at whether child protection agencies are cross-reporting when they uncover other forms of abuse. The head state agency in 45 states and the District of Columbia were surveyed. The results were as follows:

Did core training include asking families about animals?

- 25% provided training on the topic
- 17% were trained to assess animal abuse

Do safety/risk assessments ask about animals?

- 80% do not
- 4 include in safety protocols
- 1 includes in risk assessment

Does your agency cross-report?

- 26% had some cross-reporting
- 6.5% had some policies in place
- 11% train on cross-reporting

Are these topics covered in advanced trainings?

- 80% said no.

The authors of the study opined that local agencies may be providing this training unbeknownst to the state, thus not being accounted for in the study. The study showed that even with the passage of cross-reporting laws, it is up to the local and state agencies to set policies that cross-reporting is important.

Prosecutors are in a prime position to encourage cross-training and cross-reporting. They should begin by speaking with local law enforcement and agency investigators about the goals of cross-training and cross-reporting, and identify stakeholders from various agencies to attend a training session. Cross-reporting can be discussed, as well as procedures for how your jurisdiction wishes to handle cross-reports.

CHANGING AGENCY PROCEDURES

Procedures may include providing responders with specific contacts at a cross-reporting agency so that a call can be made from the scene or home under investigation, as well as how to file a report.

The goal of cross-training and cross-reporting is not for professionals in one field to conduct an investigation in an area outside their field of expertise, but simply to understand what might be considered maltreatment and know whom to call to report it. When various agencies come together to learn about cross-reporting, their response to families in need will be more efficient.

Prosecutors are in a unique leadership position to oversee the change in their community to start the recognition of the cross-correlation of the Link. The growing recognition of this dynamic and how it can be used both inside and outside the courtroom will benefit all victims.

Link Coalitions

In the past decade, there has been an increase in Link coalitions forming across the United States, and even abroad, to address a better response to crimes that involve the Link. Several of these coalitions (as well as animal cruelty task forces) have been initiated by law enforcement and prosecution officials. These coalitions can either expand from existing child abuse multi-disciplinary teams, or start new. A Link coalition typically involves the collaboration among human protection (child, adult, elder), animal protection, prosecution, law enforcement, human and veterinary medical, mental health, and public health professionals. It is important to include animal protection and veterinarians in violence prevention coalitions, coordinated community response teams, multidisciplinary teams, and lethality review teams so that professional relationships are already in place for a collaborative and efficient response to a Link-related incident.

When a Link coalition is formed, the foundation will be in place for cross-training, cross-reporting, and breaking down silos to allow for more efficient sharing of information about families in need.

At the national level, the National Link Coalition (www.nationallinkcoalition.org), with more than 2000 participants and a steering committee of 18 Link professionals and agencies, is the leading resource on creating coalitions and working with Link-related issues, public policy, programs and research issues. Additionally, in January 2014, 40 national organizations, including federal agencies, came together in the first meeting of the National Coalition on Violence Against Animals (www.ncovaa.org). The coalition is bringing together human and animal protection national leaders, as well as those representing prosecutors, law enforcement and other related investigators, to tackle animal abuse head on.

When agencies can begin to work together in a Link coalition and share information by breaking down silos on information, the response to safeguard families will be more effective.

For more information about how to form a Link coalition, please visit www.nationallinkcoalition.org and download the “Toolkit for Starting a Link Coalition in your Community” and to view a listing of existing Link coalitions.

Families Seeking Shelter with Pets

*“I stayed alive over a fish. When I had nothing else, I had a fish. It kept me going.”
“If I had known about [this pet housing program] ahead of time, that would have saved my animals through the years that I’ve lost because of my abuser” (Hardesty et al., 2013).*

Social service agencies are beginning to acknowledge the Link and the bond that people have with their pets, such as recognizing that family members may remain in harm’s way out of fear for their animals’ safety. With 68% of families having pets, domestic violence shelters are increasingly having families request help for their pets, but far too many shelters are not equipped to help families with pets.

At a minimum, all shelters should have hotline staff ask callers whether they have pets, whether their pets are safe, and whether they have a safe place for their pets. Gathering this information will help a shelter to collect evidence supporting the need for building an off-site or on-site housing program for pets. The hotline staff should have local information available as to where family pets can be safely housed. Simply referring a family to the local animal shelter is not a sufficient resource and may be an inadequate solution when they wish to keep their pet during the transition to safety. In 2014, the New York City domestic violence hotline is surveying callers by asking about pets in an effort to gather data on the need for safe pet housing.

Although great progress has been made in the past five years, many family violence shelters are either unable or unwilling to house client pets. There are two options that are successfully being embraced: (1) implement guidelines from *Sheltering Animals & Families Together (SAF-T)*, the first and only global initiative assisting shelters in effectively and safely housing pets on-site with their human families¹⁵, or (2) arrange for off-site housing of family pets at veterinary clinics, boarding facilities, animal shelters, or through foster care (often called a Safe Havens program).

Programs to house pets of domestic violence are a solution to Link-related crimes.

CHANGING AGENCY PROCEDURES

Sheltering Animals & Families Together (SAF-T) was created by the author of this publication after experiencing too many domestic violence victims returning to the abusive home to care for pets left behind. SAF-T sets forth written guidelines for domestic violence shelters to house family pets on-site in a safe, simple and affordable manner. Having this resource available in your community can make the difference between keeping family's safe or watching them return to an abusive home. There are far too many families who refuse to be separated from their pets, even during times of violence. We have seen this dynamic play out in numerous natural disasters, such as Hurricane Katrina and Super Storm Sandy, where pet owners stayed behind in the face of danger in order to protect and be with their pet. This human-animal bond can help the adult and child survivors to heal faster from past trauma. Please visit www.animalsandfamilies.org to locate a SAF-T shelter in your community, to download the *SAF-T Startup Manual* and other resources, and read more about how to implement SAF-T in your community.



High Desert Domestic Violence Center in Victorville, California allows pets inside the residents' rooms and built on pet doors and screened-in pet play areas.



The Rose Brooks Center, Kansas City, Missouri, built their on-site SAF-T kennel after a woman and her dog were savagely beaten with a hammer.

The *Safe Havens* concept is another valuable tool for family violence shelters. It involves placing a family pet in an off-site care system, such as in foster care, a veterinary clinic, a boarding facility or an animal shelter, until the owner and pet can be reunited. For more information on safe havens in your community, please visit RedRover's [A Safe Place for Pets](#) or the [Animal Welfare Institute's Safe Haven's Mapping Project](#) for combined listings of current SAF-T and Safe Havens programs. Guidelines and sample forms for establishing off-site pet safe housing are available in *Safe Havens for Pets: Guidelines for Programs Sheltering Pets for Women Who Are Battered*, by Dr. Frank Ascione (available at http://www.vachss.com/guest_dispatches/safe_havens.html) and from the Ohio Domestic Violence Network Guide to Pet Support for programs (available at www.odvn.org, under the Resource Center tab then "Domestic Violence and Animal Issues").

In a 2013 study, a small sample of 19 women in shelters were surveyed about their pets. The results were consistent with past studies and informed us of the following:

- Women with strong bonds to pets had their abusers use control tactics to threaten pets;
- Pets helped women in recovery after abuse;
- Women wanted to be asked about their pets during intake at a shelter;
- Women felt a lack of control over the decision to leave their pet and wanted safe options for their pet when seeking shelter (such as, they wanted their veterinarian to offer safe affordable housing and they were critical of shelters not providing them options for their pet) (Hardesty, et al. 2013).

When family violence shelters ask about pets (which may include livestock and farm animals) and create pet housing programs, they eliminate a barrier to safety for families needing help.

Pet Safety Planning

When families are preparing to leave an abusive home, family violence shelters typically have information readily available to help them plan for a safe departure. It is now important for shelters to add pet safety planning recommendations to their websites and printed materials. When families prepare to safely leave and bring their pet with them, it reduces the need to return to the abusive home to care for the pet(s). A Pet Safety Planning flyer can be located on the *Sheltering Animals & Families Together* (www.animalsand-families.org) (SAF-T) website (on the [Resources](#) page).¹⁶ Samples of pet safety plans from eight domestic violence shelters are also available on the National Link Coalition website.¹⁷

Including Pets in Protective Orders

Amending domestic violence protective order laws to include pets was introduced into the legislative scene in 2006. As of the publication of this Guidebook, 25 states plus the District of Columbia and Puerto Rico have passed pet protective order laws. For a current listing of these laws and statutory language, visit the National Link Coalition website.¹⁸

If your state does not have a protective order law that includes pets, it is important to educate those assisting survivors and judges that pets can be included as property or under “other relief” on existing protective orders. Ideally, however, pets should be specifically listed in the protective order forms as this will assist families and judges to recognize this issue.

When agencies acknowledge and understand the implication that the Link can have on families, children, and animals, addressing the Link in agency protocols and policies will allow for a more efficient and effective response and early intervention, saving lives as a result.

INVESTIGATING LINK CRIMES

Link Evidence

Any professional who is involved in gathering evidence of criminal conduct or works with survivors should always be on the lookout for evidence of multiple crimes of abuse within a home. Identifying evidence of multiple forms of abuse will not only benefit the prosecutor in charging and preparing the case for trial, but will also assist mental health treatment providers and social workers in case planning and management.

Documenting all forms of violence and reporting to the proper investigating agency is important. This may include photographing or videotaping the entire home (inside and outside) to assist investigators and prosecutors in determining what action needs to be taken. For example, if a child protection investigator enters a home to investigate a complaint of child abuse and notices a cat who is thin, ribs are showing, and there are no food or water bowls present, the investigator should inquire about the cat, take photos, and report the situation to the animal investigation authorities for further investigation.

When there is multiple violence (poly-victimization) in a home, this Link evidence will invariably intertwine with human and animal violence and neglect. Photographs, videotapes, and interviewing family members and neighbors will help piece together the violence that may be occurring.

Interviews

Investigators are the key to obtaining Link evidence. They should not only look for all forms of violence in the home, but also ask victims, offenders and witnesses questions to uncover various forms of violence.

For children who are interviewed about violence in the home, particularly in a forensic interview or by a therapist, an effective tool for asking about animals is the *Boat Inventory on Animal-Related Experiences*, created by Dr. Barbara Boat. The inventory was created to assess a child's relationship to animals. This assessment tool can provide prosecutors, forensic interviewers and law enforcement with valuable insights into the dynamics within the home. (Boat, Loar & Phillips, 2008) Dr. Boat has also developed child, adolescent and caregiver versions of a Childhood Trust Events Survey (CTES), a 26-item self- or parent-report screening tool to assess children's exposure to Adverse Childhood Experiences and other traumatic events including being attacked by animals or witnessing animal abuse. It can be found at http://www.ohiocan-do4kids.org/Childhood_Trauma.

Asking children questions about the animals in their lives is both informational and helpful in developing rapport with the child.

It is also important to interview neighbors and veterinarians about pets in the home. Neighbors often know about animal abuse as it is often not a hidden crime like child abuse, elder abuse or domestic violence. Sometimes the abuse of an animal may happen in the front or back yard (a dog tied up in a neglectful manner, physically assaulting or yelling at an animal while outdoors) so interviewing neighbors may be helpful. And veterinarians often see family pets that come in with suspicious injuries. Laws requiring the reporting of suspected animal abuse and neglect are slowly being developed for veterinarians because too often they feel in an uncomfortable position between reporting the abuse and providing care to the animals; they fear that the family will fail to seek treatment if they report. Investigators should determine if a veterinarian has seen the animal(s) and proactively interview them and seek the veterinary records. These records may uncover a pattern of abuse that will be helpful to the prosecution of the case.

Moreover, the field of veterinary forensic sciences is growing to assist investigators and prosecutors by having veterinarians expertly trained in the forensic evaluation of animals that have been abused or neglected. This scientific evidence can assist a criminal case with the manner and cause of injuries and/or death of the animal(s) when witness testimony and/or history of abuse or neglect are not available. The Maples Center for Forensic Medicine at the University of Florida College of Veterinary Medicine, in cooperation with the American Society for the Prevention of Cruelty to Animals, offers a Masters of Science degree to veterinarians in forensic veterinary sciences. The International Veterinary Forensic Sciences Association is a resource for veterinarians and was formed in 2008 during a conference being held at the Maples Center. And NDAA's National Center for Prosecution of Animal Abuse has webinars available on how veterinary forensic science evidence gathering can assist prosecutors in their cases.

“Regardless of one’s specialty or type of practice, virtually all veterinarians over the course of their careers will face the difficult situation of treating animals with conditions suspected to be the result of abuse. Veterinarians have ethical and moral responsibilities to address these situations as well as to practice in accordance with their professional oath. There is a well-documented link between animal abuse and interpersonal violence: when animals are at-risk humans are as well, and vice-versa. Thus, veterinary involvement in the identification and reporting of suspected abuse cases is necessary to protect not only the individual animal(s) involved but to also protect human health and public safety. It is critical that all veterinarians are knowledgeable on how to recognize and respond to suspected instances of abuse when they arise.” — Stephanie Janeczko, DVM, MS, DABVP, CAWA, President, Association of Shelter Veterinarians and Senior Director, Community Outreach Shelter Medicine Programs Shelter Research and Development, ASPCA

PROSECUTING LINK CRIMES

Prosecutors are only as effective as the evidence and information they have before them. So when it comes to charging decisions and preparing the case for trial, having all of the information regarding the incident, home, parties, and witnesses will help prosecutors make better strategic decisions. Although Link evidence should be secured during the initial investigation, some evidence may also arise after criminal charges have been brought against an offender. This may occur through continued interviews and discussions with victims, family members, neighbors, or other witnesses.

For a detailed booklet on prosecuting animal abuse cases, please check out NDAA's *Investigating and Prosecuting Animal Abuse: A Guidebook on Safer Communities, Safer Families & Being an Effective Voice for Animal Victims*.

“Prosecutors play a major and essential role in the prevention, investigation and prosecution of all crimes regardless of whether the victim is an animal or a human. Crimes involving animals are often interlinked with other crimes against humans and crimes against non-sentient property. Awareness of this connection allows prosecutors to conduct a more thorough investigation and results in a more accurate understanding of the context in which a crime is committed. This is particularly true in domestic violence cases. Additionally, harming an animal and being charged criminally may be one of the first times an offender actually appears in court. A prosecutor must recognize the significance of these crimes at the earliest possible onset. It is then more likely that an impact can be made to prevent further and perhaps more serious criminal conduct. A prosecutor’s realization that an offender may engage in similar acts and transactions against both human and non-human victims enhances the ability of criminal justice professionals to evaluate and treat the offender and to provide greater protection to the public. Awareness of “the Link” is truly a matter of crime prevention and public safety.” — Diane Balkin (retired Denver Deputy District Attorney, Attorney with Animal Legal Defense Fund Criminal Division)

Charging Decisions: The Criminal Complaint

If a police report contains allegations that suggest a Link, law enforcement should coordinate with related agencies (e.g., child welfare, animal welfare, adult protection) regarding the history of the accused or family, including prior complaints, animal control summonses issued, or even a log of phone call complaints against the accused. This information can be helpful to a prosecutor in forming a complete picture of an incident and in coordinating forensic interviews and timing responses with multiple agencies. This history

is also relevant when determining the severity and frequency of the incident, and when reviewing potential charges or an alternative response which may be helpful to the victim and family. If the incident involves allegations of child abuse, obtain information from past or current child protection or family court cases to learn more about the family dynamics and prior services offered. Civil child protection attorneys and criminal prosecutors should also coordinate and share information, when allowed, as each has valuable information that would help in all cases.

Prosecutors should make sure that this information is contained within their file when they are reviewing for charges:

- An outline of the family and any past or current history
- Review animal control records for past complaints
- Interviews of neighbors (who may have seen one type of violence) and the family veterinarian (to determine any past concerns about abuse)
- Photographs of the interior and exterior of home (particularly as it relates to the care, or lack thereof, of animals)
- Observations by investigators of pet behaviors and conditions (do the animals relate well to some family members and shy away from the accused, how are they housed, what is the animals' overall appearance, evidence of animal fighting equipment and paraphernalia, presence of excessive numbers of living and/or dead animals on the premises, etc.)
- Background on how the accused related to animals, current stressors (does the accused openly yell at or talk negatively to the animals, general attitude toward other family members, etc.)

If evidence supports a variety of charges related to the Link, those charges should be brought together in one complaint to allow the full story to be told to the trier of fact. If additional information of criminal wrongdoing comes forward after a complaint, consider amending the complaint to bring additional charges. If that is not possible, a pre-trial motion may allow for introduction of the information.

Pre-Trial and Trial Strategies

An effective motion for prosecutors in Link-related cases is the Federal Rule of Evidence 404b pre-trial motion.

A 404b pre-trial motion is a powerful motion in most prosecutions, and is particularly beneficial in a Link case. A 404b motion relates to “other acts” that are often uncharged against the defendant. The motion is filed to show a pattern of conduct by the defendant that is uniquely relevant to the case: to show proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. For example, prior uncharged conduct by the defendant harming animals in the home (particularly animal abuse that was done to frighten the child or partner into silence and compliance) may be admitted at trial to refute the defense that the incident was not an accident.

It is important that any 404b Link evidence be specifically connected to the crime(s) charged. The 404b evidence cannot be admitted simply to show that the defendant is a bad person.¹⁹ But prior incidents may be admitted to prove facts or elements of the crime charged. For example, threats or harm to animals may explain why there was a delayed disclosure of child abuse or domestic violence. Prior incidents may be admitted to prove state of mind of the victim.²⁰ Prior incidents may also be admitted to prove fear in disclosing.²¹ The timeliness of prior offenses towards animals, to be introduced in a human violence case, is also important. If the prior incident is too old (generally over 10 years and/or not in the time span of the harm towards human victims), it will not be relevant or admissible.²²

In some states you may argue that prior incidents of animal abuse and/or child abuse are by definition incidents of domestic violence for purposes of 404b or a sentencing enhancement specific to domestic violence cases. Seven states specifically identify animal abuse as a form of domestic violence or elder abuse for other non-404b purposes, such as charging decisions.²³

Although every state has varying evidentiary laws, if your state has a 404b or other similar provision for admitting “other acts”, consider using this strategy to introduce Link evidence. The following is an example of how to use a 404b motion to introduce uncharged acts of animal cruelty in a child sexual abuse case:

While preparing an 8-year-old girl to testify, we sat on my office floor talking about what court would be like the next day. As we talked, she drew a picture of a black-and-white cat. She said she had a cat named Oreo, who was so happy now that stepdad was gone. Her stepfather was the defendant in the case. When I asked her why Oreo was happy, the child then detailed how every night, for years, as her stepfather would come to her bedroom to sexually assault her, Oreo would lie outside her closed bedroom door to protect her. As her stepfather approached her door, Oreo would hiss and spit at him, and he routinely kicked Oreo out of the way every night. After hearing this, I had the child’s mother take the cat to a veterinarian, where X-rays confirmed numerous healing rib fractures.

The jury had already been selected in the case, so adding animal abuse charges at this stage was not allowed. In a 404b motion, the judge allowed the child to testify regarding Oreo’s actions, to demonstrate the defendant had a pattern, scheme and system of doing an act before each incident of sexual abuse. Moreover, the veterinarian was allowed to testify and introduce the X-rays to corroborate the child’s testimony. The jury returned a verdict of guilty and was influenced that the testimony regarding Oreo’s injuries was corroborated by the veterinarian, which, in turn, corroborated the child’s testimony regarding her abuse. One juror shared, “If she was telling the truth about Oreo, we had no reason to disbelieve her about the rest of the abuse.”

If a prosecutor is handling a sexual abuse case in which force must be proven, some prosecutors have seen success in pre-trial arguments that the threat of violence, or actual violence, to a family pet exerts coercion on the victim to remain silent and compliant. The threats or harm to the animal can be used to prove the element of force.

Plea Negotiations

Plea negotiations are a necessary part of any prosecutor's job, because there is not enough time for every case to proceed to trial. When prosecutors are handling a Link-related crime, there are two important considerations to keep in mind: (1) negotiate that the defendant must plead guilty, not *nolo contendere* (no contest). A guilty plea requires the defendant to admit to the facts, which will benefit subsequent mental health treatment and probation requirements. A no contest plea allows the defendant to not admit to any facts and hide behind his/her conduct that in turn could thwart any effective therapeutic counseling and other rehabilitation efforts. (2) Think carefully about dismissing any charges. If certain charges are dismissed, it can limit the imposition of certain penalties specifically related to that charge. For example, animal abuse charges have historically been misdemeanor offenses, thus they are easy to negotiate away in lieu of a larger penalty. As a result, certain penalties specific to animal abuse crimes are lost at sentencing. If an animal abuse charge is dismissed, the court will not have the leverage to order the defendant into treatment specific for animal abusers, to not possess/own animals, or to pay any restitution for agencies that cared for the abused animal during the pendency of the case. Likewise, if a child abuse or domestic violence charge is dismissed, you will lose valuable sentencing options such as targeted therapeutic treatment and limiting/prohibiting access to the victim. Be sure to consider all relevant sentencing sanctions before dismissing charges related to human and animal abuse.

In cases involving animal abuse, it is important to have an admission of guilt in order to receive the appropriate services, mental health treatment and probation terms at sentencing.

As part of any plea agreement, the defendant should be required to undergo a psychological evaluation and, at sentencing, be ordered into the appropriate treatment program for animal abusers. Many states permit or mandate psychological assessment and/or treatment for adult and/or juvenile cruelty offenders. Specialized treatment programs are discussed subsequently (See [Sentencing for Link Crimes](#)).

Pre-Sentence Report

One area that causes issues for prosecutors is the legal classification of animals as “property” for purposes of complying with state sentencing guidelines for felony offenses. Prosecutors are limited in this aspect, but if there is any room for argument at sentencing in regards to exceeding the guidelines, research is available that animals should be reclassified in a property subclass called “sentient property” (Favre, 2004). The rationale is that animals are provided protections from abuse and harm, similar to people, whereas a toaster (property) is not. States that provide legal protection to animals in domestic violence protection orders do so because families want protection for their pets, but do not ask for the same protection for their stove. Thus, the general classification of animals as property is limited in scope. Prosecutors need to be aware of this fine distinction and should share this information with probation agents preparing the pre-sentence report.

When appropriate, prosecutors should request that any defendant convicted of animal abuse be prohibited from owning, possessing, living with or working with any animal during the term of probation or parole.

At least fourteen states have laws in place that mandate that a defendant convicted of animal abuse cannot possess or own an animal²⁴. For the remaining states, and when appropriate, prosecutors should request this sanction in order to keep the defendant away from animals and reduce the likelihood of future incidents of harm. As part of any sentence for an animal abuser, the court should never order a defendant to work community service at an animal shelter or with animals.

Civil Dependency/Family Court Cases

Prosecutors and child protection attorneys assigned to family court to handle civil child dependency and juvenile delinquency cases also have opportunities to address the Link. Many of the suggestions listed above would be applicable in these cases. One suggestion unique to civil child protection attorneys would be to consider the importance of pets of children when removing children from the home. Working to create a system where pets can be placed with children (in pet-friendly foster homes) could reduce the trauma of removal for the child and would also keep the pet safe.

Sentencing Options for Link Crimes

“Domestic violence is present in a troubling number of family law cases and is often unreported. Family Court judges play a critical role in identifying spousal abuse and factoring it in decisions about divorce and custody. Incidents of animal abuse can frequently indicate that abuse is occurring against family members. In such cases, an abuser can use or threaten animal abuse as a way of controlling family members. This can be especially victimizing toward family members with strong attachments to that animal. Severe traumatic consequences can result when children are exposed to such violence toward animals. It is essential that Family Court judges recognize the link between animal abuse and domestic violence. In communicating with litigants and in issuing court orders, especially those that concern custody of children and protection from abuse, judges can address the threats of harm and underlying issues of power and control.” — Hon. Steven A. Aycock (Ret.), Judge-in-Residence, and Nancy E. Hart, Attorney with the Family Violence and Domestic Relations Program of the National Council of Juvenile and Family Court Judges

In certain cases, prosecutors should argue for an upward departure from the property sentencing guidelines. As discussed above, since animals should be considered “sentient property”, sentencing a defendant with guidelines built for addressing theft of cars and property is inadequate. For example, if a defendant is convicted of setting a dog on fire, resulting in death or debilitating injuries, this would be an appropriate case to ask the judge to exceed the sentencing guidelines. Through the testimony of a veterinarian, you could establish that the dog was tortured and suffered great pain while being burned. This is far different than setting a car on fire.

There has been discussion among professionals to reclassify animal cruelty into “crimes against society” rather than “crimes against property.” A reclassification in this regard recognizes the Link by positioning human and animal in similar categories (Ascione & Shapiro, 2009).

In another example, if you have a case involving both misdemeanor domestic violence and felony animal abuse, the animal abuse would likely be governed by sentencing guidelines and be in the lower-tier property guidelines. A prosecutor could effectively argue the Link and how the animal abuse was connected to the domestic violence incident, thus arguing for an upward departure from the guidelines for a lengthier sentence.

It is important to convey the full picture to the judge at sentencing regarding the links between different instances of abuse that occurred, present some of the research contained in this Guidebook, and request an appropriate sentence that takes into account punishment, deterrence, rehabilitation, and protection of society. Understanding the information contained in this Guidebook will prepare you well for these arguments.

Sex Offender Registration

All states have a system for registering sexual abuse offenders.²⁵ Many of the sex offender registry laws require those convicted of sexually assaulting an animal (usually called bestiality in statutory language) to also register.²⁶ In a case in 2011, a parolee named Robert Edward DeShields was sentenced in Sacramento, California to ten years in prison and was required to register as a sex offender for the sexual abuse of a Chihuahua named Shadow. The prosecutor used Jessica’s law, the first time in an animal sexual abuse case, to have the defendant register as a sex offender. The law was named after 9-year-old Jessica Lunsford who was kidnapped, sexually assaulted and buried alive in Florida. The law increased penalties in several ways, including increased registration and reporting requirements for convicted sex offenders. Shadow survived the attack but has been reported to now have a fear of men.

Requiring animal sexual abuse offenders to register is important for prosecutors and law enforcement so that subsequent offenses can be effectively handled, compliance with registering can be ensured, and families of victimized pets can be informed of this administrative penalty.

Treatment Options for Link Crimes

For any defendant convicted of a violent crime (whether against a person or an animal), the prosecutor should request a court-ordered psychological evaluation, including the appropriate follow-up therapeutic intervention.

Many states have laws that require or allow for court-ordered psychological evaluations²⁷ and therapeutic treatment²⁸ for juvenile and/or adult animal abuse offenders. If your state does not have a law in this regard, make the request of the sentencing judge as an important measure to reduce recidivism. Animal abuse often involves dynamics that differ from other forms of violence, and a specialized intervention program must be ordered when appropriate. One such program, AniCare, was the first published treatment for animal abusers. AniCare has treatment models for both adults and children. Information on AniCare and to locate an AniCare provider in your area, contact [Animals & Society Institute](#). Other treatment modalities include The Strategic Humane Interventions Program (Loar & Colman, 2004) and residential treatment programs for at-risk youth (discussed in the Youthful Offenders section below).

Female Offenders

Not all animal abusers or Link offenders are male. A 2012 study looked at female-instigated intimate partner violence (IPV) offender programs and whether female IPV offenders have a higher rate of animal abuse. (Febres, et al., 2012) This is the first study addressing animal abuse by women batterers. The women were asked about the frequency of IPV, and 13 different behaviors constituting animal abuse, including:

- “Did you threaten, scare, intimidate, or bully an animal on purpose?”
- “Did you hit an animal with an object that could hurt?” and
- “Did you kill an animal on purpose (other than for hunting or medical reasons)?”

The results reported that 17% of the women had committed animal abuse as an adult, compared to .28% of females in the general public. There were 8.8 incidents of animal abuse on average for the female IPV offender and threats were mostly used, followed by physical aggression and neglect. The study concluded that animal abuse may be a marker for the presence of more frequent and/or severe IPV perpetration (physical and psychological) and general aggression by women. (Febres, et al., 2012)

Youthful Offenders

When children are exposed to chronic violence, we may see an increase in violence from those children. In recent years there seems to have been increased violence in schools with children bringing weapons not only to hurt someone, but also to protect themselves from violence and bullying. A 2008 study focused on how to address the 8.8 million children (ages 12-18) who have witnessed a shooting, stabbing, assault or threat with a weapon (Sprinkle, 2008). The study focused on Healing Species (discussed below), a national school-based intervention program that started in South Carolina which pairs at-risk youth with rescued dogs who have been rehabilitated. The dogs teach the children that adversity can be overcome. Together,

they are empowered to change the future. The founder, a criminal defense attorney, found too many of her youth offender clients lacked empathy and had a history of animal abuse. The program teaches youth to respect and treat all living creatures with dignity, which decreases violent and aggressive tendencies. The program incorporates rescued shelter dogs in a school-based program. In the study, 310 4th — 6th graders showed significant improvements in empathy and decreases in beliefs about aggression after completing the 11-week program. This tells us that programs to reintegrate at-risk youth with animals in a safe and supervised setting can benefit children and stop the cycle of violence.

There are few supervised animal-assisted intervention programs for children and youth who harm animals. There are a number of excellent humane education programs that place children (including at-risk children) with animals to learn compassion and proper animal care, but most will not accept children who have a known history of abusing animals.

To resolve this void, *The Children and Animals Together Assessment and Intervention Program* (CAT) created by Dr. Chris Risley-Curtiss at Arizona State University's School of Social Work,²⁹ is the first-known program to work solely with children who have harmed animals and to do so with their caregivers in safe settings with animals. The program is in collaboration with the Arizona Animal Welfare League & SPCA and is designed to offer age-specific interactive activities, and build respect and connections to all animals, as a means to end childhood animal cruelty and potential societal violence. Consultation on treatment needs is provided for all children who are assessed. To date, the results have been promising and evaluation methodology is being developed.

Teacher's Pet in Michigan is one of many intervention programs that pairs at-risk youth with hard-to-adopt shelter dogs for a multi-week workshop in positive-reinforcement, reward-based dog training and behavior modification in an effort to make the dogs more adoptable. The program opened in 2005 and the children are in residential facilities for committing a crime (often, but not exclusively, involving an animal). Many children come from situations that involved dog fighting. The dogs come from animal rescue and sheltering organizations and have life similarities to the children. For two days a week for two hours, the children are taught and offer positive dog training and classroom lessons to address stress management and humane treatment of animals for a total of ten weeks. There is one animal shelter staff, and one or two facilitators when the children are working with the dogs. There is no violence towards the dogs at all during the program. The program works because the children are offered the opportunity to experience empathy. They learn to treat animals in a humane way and then do the same with their peers. About 99% of the children bond to their dog and many of the kids come back to volunteer at the shelter. It's positive for the children and it helps the dogs find new homes.

Additional programs that pair at-risk youth with animals include:

- *Safe Humane Chicago's Lifetime Bonds* program helps at-risk youth and at-risk dogs help each other. The program accepts youth in disadvantaged communities, youth who have had violations of the law, and accepts youth who have abused animals. The goal is to teach the youth skills to help them train dogs using positive, reward-based techniques. The youth work with the organi-

zation's *Court Case Dogs*, dogs who have been seized from abuse and neglect situations and need socialization and training. It is a win-win situation for all.

- [Green Chimneys](#) in Brewster, New York provides educational and therapeutic outreach to at-risk youth. It is a residential treatment center where the youth provide supervised care to farm and wild animals and work in nature. They do not accept juveniles convicted of animal abuse, but will look at case-by-case situations involving “non-intentional” harm and address the situation on an educational level.
- [Project POOCH](#) (Positive Opportunities, Obvious Change with Hounds) in Oregon pairs incarcerated youth with homeless shelter dogs. The youth are taught training techniques for the dogs that helps the youth with occupational skills, and helps the dogs to find new homes.
- [Humans and Animals Learning Together](#) (HALT) in Tennessee was founded in 1987 by Dr. Elizabeth Strand, the Founding Director of Veterinary Social Work at the University of Tennessee College of Veterinary Medicine. HALT pairs at-risk youth with shelter dogs in need of training. The youth and the dogs benefit from working together.
- The Society for the Prevention of Cruelty to Animals Los Angeles has the [Teaching Love & Compassion Program](#), a violence prevention program working with at-risk youth and is currently taught in California, Oregon, New York, Arizona, Missouri, Georgia, Indiana, Colorado, North Carolina, Florida, Canada, England and Australia. The TLC program helps the students identify and break the cycle of violence. Positive feedback it utilized to build self-esteem and increase respect for all living creatures. The children work through conflicts and challenges of performing as a group to train shelter animals, while developing compassion, responsibility and patience.
- [Patriot Dogs' A New Leash on Life Program](#) in Lake Charles, Louisiana pairs abandoned and homeless shelter dogs with youth at risk for becoming repeat criminal offenders.

The over-reaching goals of the programs are to help at-risk youth re-engage empathy towards animals which in turn may eliminate future violence from the youth. When children can work with and handle animals in a safe and empathetic manner, they may be less likely to engage in violence towards animals or humans.

LINK CASE LAW

Below is a sampling of some appellate case law that links various forms of human and animal violence.

- *California v. Kovacich*, 201 Cal. App. 4th 863; 133 Cal. Rptr. 3d 924 (2011) — The defendant was found guilty of murdering his wife more than 26 years after she disappeared. On appeal, the defendant argued that it was error to admit his statement to police where he admitted to kicking his dog as part of discipline (which resulted in the dog's death), and his wife expressed fear for her life; the incident occurred shortly before his wife "disappeared." The court found that admitting the statement and the victim's fear were relevant to her decision to leave the defendant as it was close in time to the assault of the dog.
- *Benavides v. Texas*, 2007 WL 586725 (Tex. App. — Dallas) (unpublished) — The defendant was convicted of delivery of cocaine and stalking his ex-girlfriend. At trial, the prosecution admitted prior bad acts that included striking two dogs with a hammer. The court held against the defendant as he failed to preserve the issue on appeal.
- *New Mexico v. Stewart*, 138 N.M. 500; 122 P.3d 1269 (2005) — Over a five-hour period, the defendant alternately slapped, punched and kicked his girlfriend, her 13-month-old child and the family's puppy. The primary issue in this case was whether the defendant's assaultive acts were distinct enough to result in multiple charges for each victim. The court agreed that they were.
- *In the Interest of AP and IP*, 42 SW3d 248 (Tx. 2001) — This was a "dirty home" case that involved the mother refusing to comply with court-ordered services and the father being imprisoned for burglary. The father would kill animals in front of the children, and this was a factor in terminating his parental rights.
- *Wisconsin v. Bellows*, 217 Wis. 2d 614; 582 N.W.2d 53 (1998) — The defendant was convicted of multiple counts of child neglect and animal neglect. The defendant's home was searched due to a complaint about animals. The animals were removed due to unkempt and dirty conditions. The home was unhealthy and unsanitary for the children. The child neglect conviction was overturned due to the prosecutor improperly, and without notice, admitting the Child in Need of Protection or Services (CHIPS) petition in the criminal trial.
- *Idaho v. Pugsley*, 128 Idaho 168; 911 P.2d 761 (1996) — This case involved child sexual abuse involving the defendant's 12-year-old daughter, who was raped three times — one of which was observed by her 11-year-old sister. He was also charged with raping his 16-year-old half-sister four years earlier. The defendant was sentenced to three concurrent life sentences and evidence of The Link was used to convict. On appeal, the court found that the sentence was not excessive.

because he had committed one rape in front of the sister, had threatened to kill the girls if they disclosed, and “reinforced his threats against his youngest daughter and a half-sister by killing animals in front of them.”

- *In the Interest of PJM*, 926 SW2d 223 (Mo. 1996) — The parents had seven children, three of whom were involved in this appeal involving termination of parental rights. Prior children had been removed and rights terminated. Animal sacrifices had been committed by the parents in front of the children. The petition also alleged neglect/abuse of the children. Parental rights were terminated, and animal cruelty was a factor in the decision.
- *Boarman v. Boarman*, 194 W.Va. 118; 459 S.E. 2d 395 (1995) — This was a child custody case involving seven children. There were cross-complaints of child abuse against both parties, including against Mr. Boarman for his allegedly having “shot and killed the children’s cat at a picnic.” The court found that Mr. Boarman’s “violence and expressions of racial, ethnic and gender comments, and the shooting of the animals have had a deleterious effect on [the children].”
- *Schambon v. Kentucky*, 821 SW2d 804 (1991) — Animal control was called regarding animal hoarding and neglect. Numerous animals were removed from the garage, including dead dogs. An animal control officer entered the home and found a dead dog on the kitchen floor and a room full of malnourished and dying cats in cages. Four children (ages 5 to 13) were removed because of unsanitary conditions in the home. All of the children subsequently disclosed sexual and physical abuse, including the 5-year-old, who said his parents took him to the local park, tied him to a tree and sold him for sex. The parents were convicted of multiple counts of sexual abuse. This case demonstrates how a cooperative relationship with animal control can help uncover child maltreatment.
- *Maine v. Twist*, 528 A.2d 1250 (1987) — This case involved multiple counts of sexual abuse involving five children, ages 5 to 17. Testimony included the defendant having a gun and threatening to shoot the children if they disclosed the abuse, and the children had nightmares of being thrown into a fire by the defendant and the defendant killing their mom. “Undisputed testimony established that the children saw the defendant kill their cat by burning it in an oven.”
- *In re SGT*, 333 SE2d 445 (Ga. 1985) — This case involved a father’s appeal of the termination of parental rights on his adopted son. The child was mentally and physically abused. The father was also cruel to the family dog and said that the way to train a dog was to “tie him up and starve him to death and feed him gunpowder.” All factors, including cruelty to the family dog, were considered in terminating parental rights.

CONCLUSION

“One does not have to personally value companion animals to acknowledge that others may and that exploring those relationships can add much to our understanding and treatment of children and families. Recognition that animals play a significant role in the lives of many people needs further attention in social work” (Risley-Curtiss, Zilney & Hornung, 2010) .

The Link is gaining recognition throughout various criminal justice professions across the country and internationally. But with high levels of turnover in many professions, the need for education and awareness continues. When all criminal justice professionals understand the dynamics underlying the Link, and have the tools available to properly address Link-related crimes, families and communities will be safer. Because it is undeniable that animal abuse is a human and community safety issue.

RESOURCES

National Organizations Addressing the Link

National District Attorneys Association (www.ndaa.org)

American Animal Hospital Association (<https://www.aahanet.org>)

American Society for the Prevention of Cruelty to Animals (www.asPCA.org)

American Veterinary Medical Association (<https://www.avma.org>)

Animals & Society Institute (www.animalsandsociety.org)

Association of Shelter Veterinarians (www.sheltervet.org)

Hoarding of Animals Research Consortium (<http://vet.tufts.edu/hoarding/>)

International Veterinary Forensic Sciences Association (<http://www.ivfSA.org/>)

The Latham Foundation (<http://www.latham.org/>)

National Children's Advocacy Center (www.nationalcac.org)

National Children's Alliance (www.nationalchildrensalliance.org)

National Coalition Against Domestic Violence (www.ncadv.org)

National Coalition for Violence Against Animals (www.ncovaa.org)

National Link Coalition (www.nationallinkcoalition.org)

National Network to End Domestic Violence (www.nnedv.org)

National Resource Center on Domestic Violence (www.nrcdv.org)

National Sheriff's Association (www.sheriffs.org)

Pet-Abuse.com (<http://www.pet-abuse.com>)

Safe Housing Resources for People and Pets

Animal Welfare Institute Safe Haven Mapping Program (www.awionline.org/safe-havens)

A Safe Place for Pets (www.safeplaceforpets.org)

Sheltering Animals & Families Together (SAF-T) (www.animalsandfamilies.org)

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- 1 Phillips, A. and Lockwood, R. (2013). Investigating & Prosecuting Animal Abuse: A Guidebook on Safer Communities, Safer Families & Being an Effective Voice for Animal Victims. National District Attorneys Association. Available at <http://www.ndaa.org/pdf/NDAA%20Animal%20Abuse%20monograph%20150dpi%20complete.pdf>.
- 2 “[P]articipants described it as the worse type of abuse that they had experienced as the perpetrator had robbed them of their own value system. With other forms of abuse they knew that the perpetrator was in the wrong. With bestiality they felt they had been forced or manipulated into being complicit in hurting a cherished animal.” M. Roguski, *Pets as Pawns: The Co-existence of Animal Cruelty and Family Violence*. (Auckland: Royal New Zealand Society for the Prevention of Cruelty to Animals, 2012) available at <https://womensrefuge.org.nz/users/Image/Downloads/PDFs/Pets%20as%20Pawns.pdf>.
- 3 The following states have **felony** bestiality laws: Arizona (ARIZ. REV. STAT. ANN. § 13-1411), Delaware (DEL. CODE ANN. tit. 11 § 775), District of Columbia (D.C. CODE ANN. §§ 22-3101; 22-3103), Georgia (GA. CODE ANN. § 16-6-6); Idaho (IDAHO CODE ANN. § 18-6605); Illinois (720 ILL. COMP. STAT. ANN. 5/12-35); Indiana (IND. CODE ANN. § 35-46-3-14); Kansas (KAN. STAT. ANN. § 21-5504 for offenses involving minors); Louisiana (LA. REV. STAT. ANN. § 14:89); Massachusetts (Mass. Gen. Laws ch. 272 § 34); Michigan (MICH. COMP. LAWS ANN. § 750.158); Mississippi (MISS. CODE ANN. § 92-29-59); Missouri (MO. ANN. STAT. § 566.11); Montana (MONT. CODE ANN. § 45-5-505); North Carolina (N.C. GEN. STAT. ANN. § 14-177); Oklahoma (OKLA. STAT. ANN. tit. 21 § 886); Rhode Island (R.I. GEN. LAWS § 11-10-1); South Carolina (S.C. CODE ANN. § 16-15-120); South Dakota (S.D. CODIFIED LAWS § 22-22-42); Tennessee (TENN. CODE ANN. § 39-14-214 (a)(1)); Virginia (VA. CODE ANN. § 18.2-361); and Washington (WASH. REV. CODE ANN. § 16.52.205). The following states have **misdemeanor** bestiality laws: Alaska (ALASKA STAT. § 11.61.140), Colorado (COLO. REV. STAT. ANN. § 18-9-201-202 [subsequent offenses are felonies]); Connecticut (CONN. GEN. STAT. § 53a-73a [offenses involving minors under 16 years of age are elevated to felonies]); Florida (Fla. Stat. Ann. § 828.126), Iowa (IOWA CODE ANN. § 717C.1); Kansas (KAN. STAT. ANN. § 21-5504), Maine (ME. REV. STAT. ANN. tit. 17 § 1031(1)); Maryland (MD. CODE ANN., CRIM. LAW § 3-322); Minnesota (MINN. STAT. ANN. § 609.294); Nebraska (NEB. REV. STAT. § 28-1010); New York (N.Y. PENAL LAW § 130.20); North Dakota (N.D. CENT. CODE § 12.1-20-12); Oregon (OR. REV. STAT. ANN. § 167.333); Pennsylvania (18 PA. CONS. STAT. ANN. § 3129); Utah (UTAH CODE ANN. § 76-9-301.8); and Wisconsin (WIS. STAT. ANN. § 944.17).
- 4 A listing of state laws available at <http://www.ndaa.org/pdf/Bestiality%20and%20Sex%20Offender%20Registration.pdf>.
- 5 American Psychiatric Association Diagnostic and Statistic Manual of Mental Disorders (DSM-5) available at <http://www.dsm5.org/Documents/Obsessive%20Compulsive%20Disorders%20Fact%20Sheet.pdf>.
- 6 National Link Coalition Newsletter, Sept. 2013 available at <http://nationallinkcoalition.org/wp-content/uploads/2013/09/LinkLetter-2013-September.pdf>.
- 7 More information on hoarding available at <http://vet.tufts.edu/hoarding/abthoard.htm#A6>.
- 8 More information on hoarding available at http://www.pet-abuse.com/pages/cruelty_database/statistics/age_gender_by_type.php.
- 9 See “Hoarding” available at http://www.humanesociety.org/issues/abuse_neglect/facts/hoarding.html (November 2, 2009).

- 10 See “Dog Fighting FAQ” *available at* <http://www.aspc.org/fight-cruelty/dog-fighting/dog-fighting-faq>.
- 11 These states have included animal fighting in their state racketeering and criminal enterprise laws as of 2013: Florida (FLA. STAT. ANN. § 895.02), Illinois (720 ILL. COMP. STAT. ANN. 5/33G-3), Michigan (MICH. COMP. LAWS ANN. § 750.159g), Oregon (OR. REV. STAT ANN. §166.715), Utah (UTAH CODE ANN. § 76-10-1602) and Virginia (VA. CODE ANN. § 18.2-513).
- 12 Federal (7 U.S.C.A 2156, signed into law in 2014); Oregon (OR. REV. STAT ANN. §§ 167.320, 167.325, 167.330); Puerto Rico (P.R. LAWS ANN. tit. 5 §§1668, 1669, 1670).
- 13 “Potentially Preventable Husbandry Factors Co-occur in Most Dog Bite-Related Fatalities”, *available at* <http://www.nationalcanineresearchcouncil.com/blog/potentially-preventable-husbandry-factors-co-occur-in-most-dog-bite-related-fatalities/>.
- 14 More information on the Therapy Animals Supporting Kids (TASK)TM Program is *available at* <http://www.ndaa.org/pdf/TASK%20Manual.pdf>.
- 15 More information on the *Sheltering Animals & Families Together (SAF-T) Program* is *available at* <http://www.animalsandfamilies.org>.
- 16 Pet Safety Planning flyer *available at* <http://alliephillips.com/wp-content/uploads/2013/09/Safety-Planning-Brochure.pdf>.
- 17 Forms are *available at* <http://nationallinkcoalition.org/wp-content/uploads/2013/01/DV-SafetyPlanningCompilation.pdf>.
- 18 Summary of Protection Order laws that include pets *available at* <http://nationallinkcoalition.org/wp-content/uploads/2014/04/PPO-Summary-by-State-4-2014.pdf>.
- 19 See, *Ohio v. Morris*, 2010 WL 3528992 (Ohio Ct. App., Sept. 13, 2010) (the defendant was convicted of child sexual abuse; the court admitted 404b evidence that the defendant would kick the family dog if the wife refused sex in an effort to prove that the defendant was a sex addict; the Court of Appeals ruled an improper admission because the sexual frustration and kicking the dog was not related back to abusing the child and admitted only to show he was a bad person.)
- 20 See, *NC v. Thompson*, 533 S.E.2d 834 (N.C. Ct. App., 2000) (defendant was convicted of child sexual abuse; 404b evidence was admitted of strangling and drowning the family cat in the presence of the child victim; the victim’s state of mind was relevant in the case to show fear, late report).
- 21 See, *WA v. Drake*, 162 Wash. App. (Wash. Ct. App., 2011) (Defendant was convicted of burglary and aggravated domestic violence, had a 5 year history of domestic violence; in one incident he took the dog and called the victim and she heard the dog crying; the dog was returned with welts and one toenail missing; victim did not call police out of fear; 404b evidence admitted regarding the dog; this was a proper admission to show the victim’s fear of defendant, delayed reporting, relevant to witness intimidation charge and aggravating factors for an ongoing pattern of violence).
- 22 See, *US Air Force v. Jones*, 25 M.J. 567 (A.F. Ct. Crim. App., 1987).
- 23 A compilation of state statutes is *available at* <http://www.ndaa.org/pdf/State%20chart%20-%20animal%20abuse%20as%20prior%20dv%20acts%20-%20June%202014.pdf>.

ENDNOTES

- 24 Upon a conviction for animal cruelty, these states have laws that mandate the prohibition of owning, possessing, living with or working with any animal during the term of probation or parole: Colorado, Delaware, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, New York, Tennessee, Vermont, Virginia, West Virginia and Wyoming.
- 25 A compilation of state statutes on sex offender registry is available at http://www.ndaa.org/ncpca_state_statutes.html (scroll down to sex offender registration)
- 26 A compilation of state statutes is available at <http://www.ndaa.org/pdf/Bestiality%20and%20Sex%20Offender%20Registration.pdf>.
- 27 These states **mandate** psychological evaluations for those charged with animal abuse: Arkansas (ARK. CODE ANN. § 5-62-103); Colorado (COLO. REV. STAT. ANN. § 18-9-202); Delaware (DEL. CODE ANN. tit. 11 § 4362 [to pardon a conviction]); Illinois (510 ILL. COMP. STAT. ANN. § 70/3.02 [juveniles]); Iowa (IOWA CODE ANN. § 717B.3A [torture] and IOWA CODE ANN. § 717C.1 [BESTIALITY]); Kansas (KAN. STAT. ANN. § 21-6412); Nevada (NEV. REV. STAT. ANN. § 62E.680 [JUVENILES]); NEW MEXICO (N.M. STAT. ANN. § 30-18-1 [JUVENILES]); and West Virginia (W. VA. CODE ANN. § 61-8-19 (TO GET PROBATION)). These states have **discretionary** laws on psychological evaluations: Arizona (ARIZ. REV. STAT. ANN. § 13-1411 (bestiality only)); Colorado (COLO. REV. STAT. ANN. § 19-2-918.5 [juveniles]); Connecticut (CONN. GEN. STAT. ANN. § 46B-140 [JUVENILES]); DELAWARE (DEL. CODE ANN. tit. 11 § 1326); DISTRICT OF COLUMBIA (D.C. CODE § 22-1001); Georgia (GA. CODE ANN. § 16-12-4); Illinois (510 ILL. COMP. STAT. ANN. §§ 70/3 THRU 3.03-1 AND 20 ILL. COMP. STAT. ANN. § 5/12-35 [BESTIALITY ONLY]); LOUISIANA (LA. REV. STAT. ANN. § 14:102.1); Maine (ME. REV. STAT. ANN. tit. 7 §§ 1031, 4016); Michigan (MICH. COMP. LAWS ANN. §§ 750.50, 750.50b); Mississippi (MISS. CODE ANN. § 97-41-16); Missouri (MO. REV. STAT. § 566.111 [BESTIALITY ONLY]); Nevada (NEV. REV. STAT. ANN. § 176A.416); New Mexico (N.M. STAT. ANN. § 30-18-1); Ohio (OHIO REV. CODE ANN. § 959.99); Oregon (OR. REV. STAT. ANN. § 167.334); Rhode Island (R.I. GEN. LAWS § 4-1-36); Tennessee (TENN. CODE ANN. § 39-14-212); Utah (UTAH CODE ANN. § 76-9-301); AND Washington (WASH. REV. CODE ANN. § 13.40.127 [JUVENILES]).
- 28 These states **mandate** counseling for those convicted of animal abuse: Arkansas (ARK. CODE ANN. § 5-62-103); California (CAL. PENAL CODE § 597(H)); Florida (FLA. STAT. ANN. § 828.12 [TORTURE]); Illinois (510 ILL. COMP. STAT. ANN. 70/3.03 [torture] and 510 ILL. COMP. STAT. ANN. 70/3.01-2 [juveniles]); Iowa (IOWA CODE ANN. § 717B.3A [torture] and § 717C.1); Kansas (KAN. STAT. ANN. § 21-6412); Maine (ME. REV. STAT. ANN. tit. 19-A, § 4007 [for restraining orders] and ME. REV. STAT. ANN. tit. 7, § 1031 [juveniles]); Nevada (NEV. REV. STAT. ANN. § 62E.680 [JUVENILES]); NEW JERSEY (N.J. STAT. ANN. § 4:22-17 [JUVENILES]); NEW MEXICO (N.M. STAT. ANN. § 30-18-1 [JUVENILES]); TENNESSEE (TENN. CODE ANN. § 39-14-212); TEXAS (TEX. FAM. CODE ANN. § 54.0407 [juveniles]); and Vermont (VT. STAT. ANN. tit. 13, § 353). These states have **discretionary** laws on counseling: Arizona (ARIZ. REV. STAT. ANN. § 13-1411 [bestiality]); Colorado (COLO. REV. STAT. ANN. §§ 18-9-202, 19-2-918.5 [juveniles]); Connecticut (CONN. GEN. STAT. ANN. § 53A-30 AND CONN. GEN. STAT. ANN. § 46B-140 [JUVENILES]); DELAWARE (DEL. CODE ANN. tit. 11, § 1326 [ANIMAL FIGHTING]); DISTRICT OF COLUMBIA (D.C. CODE ANN. § 22-1001); ILLINOIS (510 ILL. COMP. STAT. ANN. 70/3.02 [HOARDERS]); Indiana (IND. CODE ANN. § 35-46-3-12 [ADULTS AND JUVENILES]); LOUISIANA (LA. REV. STAT. ANN. § 14:102.1); MAINE (ME. REV. STAT. ANN. tit. 7, § 1031 [ADULTS AND JUVENILES]); Maryland (MD. CODE ANN., CRIM. LAW § 10-604-608); Michigan (MICH. COMP. LAWS ANN. §§ 750.50, 750.50b); Minnesota (MINN. STAT. ANN. § 343.21); MISSISSIPPI (MISS. CODE ANN. § 97-41-16); Missouri (MO. ANN. STAT. § 566.111 [BESTIALITY]); Nevada (NEV. REV. STAT. ANN. § 176A.416); New Mexico (N.M. STAT. ANN. § 30-18-1); Ohio (OHIO REV. CODE ANN. § 959.99); Oregon (OR. REV. STAT. ANN. § 167.350); Rhode Island (R.I. GEN. LAWS § 4-1-36); Tennessee (TENN. CODE ANN. § 39-14-212 [ADULTS AND JUVENILES]); Utah (UTAH CODE ANN. § 76-9-301); Vermont (VT. STAT. ANN. tit. 13, § 353 [adults and juveniles]); Virginia (VA. CODE ANN. §§ 3.2-6570, § 18.2-67.2 [bestiality]); Washington (WASH. REV. CODE ANN. §§ 16.52.200, 16.52.205, 13.40.127 [JUVENILES]); AND West Virginia (W. VA. CODE ANN. § 61-8-19 [anger management]).

29 Information about the CAT Program is *available at* <http://ssw.asu.edu/research/animal-human-bond/children-animals-together-assessment-and-diversion-program/assessment-and-diversion-program/?searchterm=Children%20and%20Animals%20Together%20Assessment%20and%20Intervention%20Program>.

About the National District Attorneys Association

The National District Attorneys Association is the oldest and largest professional organization representing criminal prosecutors in the world. Its members come from the offices of district attorneys, state's attorneys, attorneys general, and county and city prosecutors with responsibility for prosecuting criminal violations in every state and territory of the United States. Its purposes are:



- to foster and maintain the honor and integrity of the prosecuting attorneys of the United States in both large and small jurisdictions by whatever title such attorneys may be known;
- to improve and to facilitate the administration of justice in the United States;
- to promote the study of the law and legal research, the diffusion of knowledge and the continuing education of prosecuting attorneys, lawyers, law enforcement personnel, and other members of the interested public by various means including, but not limited to, arranging conferences and fostering periodic meetings for the discussion and solution of legal problems affecting the public interest in the administration of justice;
- to cause to be published and to distribute articles, reports, monographs, and other literary works on legal subjects or other related subjects;
- to provide to state and local prosecutors the knowledge, skills and support to ensure that justice is done and the public safety and rights of all are safeguarded.

To enjoy the benefits of membership, please visit www.ndaa.org.

About the National Center for Prosecution of Animal Abuse

The National Center for Prosecution of Animal Abuse (NCPAA) is a program of the National District Attorneys Association (NDAA), created in partnership with the American Society for the Prevention of Cruelty to Animals (ASPCA) and Animal Legal Defense Fund (ALDF) to educate and train prosecutors and allied professionals on the effective handling of animal cruelty and neglect cases, including cases involving the co-occurrence of animal abuse and violence to people. NDAA desires to bring greater awareness to the often-misunderstood nature of animal maltreatment and how it can interconnect with family violence and contribute to lethality issues for victims of interpersonal violence. With growing awareness by the public to recognize and report animal abuse, combined with increased attention by the media, prosecuting attorneys need the resources to properly address incidents of animal abuse in their community and properly hold offenders accountable.

The mission of NCPAA is to always act in the best interests of animals; to create an environment in the criminal justice community where animal protection laws are fully enforced; to create understanding that when animals are safe from harm, communities are safer; to provide the resources, tools and support to prosecutors and allied professionals in the pursuit of those who harm animals; to collaborate with others so that the most updated and innovative information is available and accessible; to deliver training and technical assistance in a professional and ethical manner; and to remember that our victims are voiceless and deserve an impassioned and knowledgeable prosecutor pursuing justice in their name.

About the American Society for the Prevention of Cruelty to Animals

Founded in 1866, the ASPCA (American Society for the Prevention of Cruelty to Animals) is the first animal welfare organization in North America and serves as the nation's leading voice for animals. More than two million supporters strong, the ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As a 501(c)(3) not-for-profit corporation, the ASPCA is a national leader in the areas of anti-cruelty, community outreach and animal health services. For more information visit www.ASPCA.org.



About the National Link Coalition

Led by a steering committee of nationally-renowned experts in the prevention of all forms of family violence, the National Link Coalition is an informal, multi-disciplinary collaborative network of individuals and organizations in human services and animal welfare who address the intersections between animal abuse, domestic violence, child maltreatment, and elder abuse through research, public policy, programming and community awareness. We serve as the National Resource Center on The Link between Animal Abuse and Human Violence. We believe that human and animal wellbeing are intertwined and that the prevention of family and community violence can best be achieved through partnerships representing multi-species perspectives. The National Link Coalition believes that through the recognition and integration of this understanding into policies and practices, humans and animals will be measurably safer. Learn more at www.nationallinkcoalition.org.



NATIONAL LINK COALITION
*Working together to stop violence
against people and animals*

THE PAST FOUR DECADES HAVE WITNESSED A RENAISSANCE OF INTEREST IN AN AGE-OLD NOTION. This is the concept of what we call “The Link,” the idea that acts of interpersonal violence are “red flag” markers that frequently precede, or co-occur with, acts of cruelty to animals. Animal abuse is becoming more widely recognized as a potential indicator and/or predictor of interpersonal violence that escalates in range, severity and number of victims. This notion captivates popular thought with its intuitive appeal, is engaging a research community that is validating it empirically, and is being applied constructively by law enforcement and prosecution agencies taking an enhanced interest in animal abuse as a crime worthy of serious attention. It is now widely regarded that animal abuse and human violence often go hand-in-hand — or, as we sometimes quip, hand-in-paw. By positioning animal abuse within the continuum of other antisocial behaviors rather than as isolated incidents or acceptable childhood rites of passage, we can gain not only more progress in reducing animal abuse but also in improving human safety, preventing crimes against humans, and lowering tolerance levels for all acts of aggression.

The United States has the world’s oldest anti-cruelty laws, dating back to 1641. The first “Link” prosecutions — in which perpetrators were charged simultaneously with abusing children and animals — date to 1649. State anti-cruelty statutes now include felony-level penalties in all 50 states. Meanwhile, child protection agencies owe their origins to the animal protection movement.

Through organizations such as the National District Attorneys Association and the National Link Coalition, professionals from prosecution, law enforcement, and many other disciplines are coming together to address the nexus where animal abuse and other forms of family violence intersect. Animal cruelty is now recognized as being as complex as the multiple triggers for interpersonal aggression. It is no longer seen as occurring in a vacuum but rather as part of individual and/or familial dysfunction, psychopathy, and emotional abuse. It is no longer considered socially acceptable because “boys will be boys” or “it was only a cat,” but rather as a serious crime within the larger context of antisocial, aggressive behaviors.

The Link model breaks down silos that have long separated humane and human services in a common cause of violence prevention. It recognizes that we are all working with the same perpetrators and the same victims. It offers more comprehensive, multi-disciplinary, timely, and effective prevention, assessment, intervention, and treatment proactivity and response.



Link awareness has generated significant progress. This manual provides anyone who either uncovers or presents evidence of animal cruelty, abuse and neglect with the rationale behind this renaissance of interest and, more important, the informed tools for successful investigations and prosecutions. The result it is hoped will be safer families and communities.

Phil Arkow, Coordinator
*National Link Coalition — The National Resource Center on The Link
between Animal Abuse and Human Violence
Stratford, N.J., May, 2014*